**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

**WRIT PETITION NO. 6539 OF 2007**

Prabhakar Sakharam Shevate.... Petitioner

versus

Chaitanya Urban Co-op.Bank Ltd.ors..... Respondent.

Shri R.G. Jagtap for the petitioner.

**CORAM; A.P. DESHPANDE, J.**
**DATED; 01ST OCTOBER, 2007**

**P.C.;**

1. The respondent instituted a dispute against the petitioner/borrower and the gurantors which includes the son of the petitioner. The dispute was allowed after proceeding ex-parte against the opponents, including the petitioner. The petitioner had engaged a lawyer who chose not to file written statement and did not also participate in the proceedings. The ex-parte award came to be passed on 9-4-2000. Thereafter an application for setting aside the ex-parte award filed by the petitioner, came to be rejected on 8-10-2003. After rejection of the first application, second application came to be filed for the same purpose i.e. for setting aside the ex-parte award and for restoration of the dispute. The same was rejected on 9-3-2007 and thereafter the present

petitioner filed an appeal before Maharashtra State Co-operative Appellate Court, Mumbai, Bench at Pune and as there was a delay of about five years, an application was filed for seeking condonation of the same. In the application, an attempt is made to blame the advocate, for not filing the written statement and not intimating the petitioner about the further progress in the matter. The first appellate court has found no merit in the application for condonation of delay and has rejected the same, and aggreived thereby this writ petition has been filed.

2. Record reveals that the petitioner admits the fact of having borrowed money from the bank and his liability to repay the same. In this view of the matter there is absolutely no case for interference in exercise of writ jurisdiction. In the result, writ petition is summarily dismissed.

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